



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8627

August 16, 2018

Mario H. Capogrosso, Esq.  
21 Sheldrake Place  
New Rochelle, NY 10804

Re: *Capogrosso v. Gelbstein et al.*, No. 18-cv-2710-MKB (E.D.N.Y.)

Dear Mr. Capogrosso:

Pursuant to the Court's direction at the pre-motion conference held on August 2, 2018, I am enclosing a copy of the State Defendants' opening papers for their motion to dismiss the Verified Petition. Please note that any opposition papers are required to be served on the undersigned by no later than September 17, 2018. I direct your attention to Judge Brodie's Individual Practices and Rules concerning motion papers (*see* <https://img.nyed.uscourts.gov/rules/MKB-MLR.pdf>), particularly the requirement that any opposition memorandum of law is limited to 25 pages in length (not including cover page, caption, table of contents, table of authorities or signature page), double-spaced, in Times New Roman 12-point font and with one-inch margins. *See* Individual Rule 3.B.

In accordance with Judge Brodie's Individual Rule 3.D., we will arrange to electronically file with the Court all of the motion to dismiss papers when the motion is fully briefed, *i.e.*, after you serve your opposition papers and we serve the State Defendants' reply papers.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Siegmund", written over a horizontal line.

Mark Siegmund  
Assistant Attorney General

Encls. (opening papers for State Defendants' motion to dismiss)

cc: Judge Brodie (w/out enclosures) (via ECF per Judge Brodie's Individual Rule 3.D.)  
Defendants David Smart and Sadiq Tahir (w/ enclosures)